

# MEMORANDUM

**TO:** FILE

**FROM:** WHALEN TOY  
Water Resources Control Engineer  
Data Management Unit - Statement Program  
Division of Water Rights

**DATE:** May 04, 2007

**SUBJECT:** UNDELIVERED SUPPLEMENTAL STATEMENT OF WATER  
DIVERSION AND USE (STATEMENT) S008754.

The U. S. Postal Service returned Supplemental Statement S008754 to the Division of Water Rights (Division) as "*not deliverable as addressed, unable to forward.*" Division staff subsequently used Parcel Quest™ and/or 411Locate™ on-line services in an attempt to identify current ownership of the diversion property, but were unsuccessful.

The water diverter is responsible for keeping the Division informed of any address or ownership changes. Because Division staff was unable to verify current ownership, S008754 has been designated as an inactive diversion, and has been coded as such in the Division's database. Unless notified by the current owner(s) or their agent, the Division will no longer issue a Supplemental Statement for S008754.

Attachment: Supplemental Statement  
Returned Envelope

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☐ WRIMS update by

WT  
Date 5/5/07

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**Keep on Top of File Folder until Reactivated**

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**  
If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **DAVID SIMMEN**

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING  
**DAVID SIMMEN**  
ROUTE 1 BOX 90-B  
MONTAGUE, CA 96064

STATEMENT NO.: **S008754**  
CONTACT PHONE NO.: (916) 459 - 3841

Source Name: **UNNAMED STREAM**  
Tributary To: **WILLOW CREEK**  
County: **Siskiyou**  
Diversion Within:    1/4 of    1/4 Section 31 T46N, R04W, MB&M

Year of First Use:  
Parcel Number:

- A. **Water is Used Under:** Riparian claim \_\_\_\_\_ Pre-1914 right \_\_\_\_\_ Other (explain): \_\_\_\_\_
- B. **Year of First Use:** (Please provide if missing above) \_\_\_\_\_
- C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons \_\_\_\_\_ Million Gallons (MG) \_\_\_\_\_ Acre-feet (AF) \_\_\_\_\_ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004													
2005													
2006													

- D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_;  
Other (specify) \_\_\_\_\_
- E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.)  
\_\_\_\_\_
- F. Please answer only those questions below which are applicable to your project.
1. Conservation of water
- a. Are you now employing water conservation efforts? YES \_\_\_\_\_ NO \_\_\_\_\_  
Describe any water conservation efforts you have initiated: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:  
Reduction in Diversions:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)  
Reduction in consumptive use:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)  
I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES \_\_\_\_ NO \_\_\_\_.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:  
Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:  
Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_ NO \_\_\_\_.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_ NO \_\_\_\_.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_ NO \_\_\_\_.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_  
(first name) (middle initial) (last name)

COMPANY NAME: \_\_\_\_\_

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA  
There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)



**Arnold Schwarzenegger**  
Governor

### TO ALL WATER USERS FILING SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE MARCH 2007

Enclosed is your Supplemental Statement of Water Diversion and Use form (Supplemental Statement) for the years **2004, 2005, and 2006**. All Supplemental Statements should be completed and postmarked no later than **JULY 1, 2007** for delivery to the State Water Resources Control Board, Division of Water Rights (Division). Please review the information in the upper half of the enclosed Supplemental Statement(s) and make any corrections or additions in red ink or pencil (e.g., corrections to current ownership, address, phone number, agent, etc.) so that the Division's database record(s) can be updated.

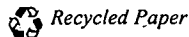
A separate Statement of Water Diversion and Use form is required for each point of diversion. If the location of the existing point of diversion, as identified on the Supplemental Statement form, has changed, please identify the new location. However, if you have developed a new point of diversion, in addition to the existing point of diversion, please contact the Division for a separate form to record the new diversion.

If you do not file a Supplemental Statement, your use will be considered inactive and it will be recorded as such in the Division's database, and the Division will no longer mail you Supplemental Statements. If you wish to reactivate an inactive Statement in order to record your diversion and use of water, please contact the Division.

If you have any questions or need assistance, please contact me at (916) 341-5376 or at [brigby@waterboards.ca.gov](mailto:brigby@waterboards.ca.gov).

**BILL RIGBY**  
Engineering Associate  
Data Management Unit

**California Environmental Protection Agency**



\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S008754  
OWNER OF RECORD: DAVID SIMMEN

P.O. RETURNED

DAVID SIMMEN  
ROUTE 1 BOX 90-B  
MONTAGUE, CA 96064

SOURCE: UNST  
TRIBUTARY TO: WILLOW CREEK  
COUNTY: SISKIYOU  
DIVERSION:  
WITHIN: ¼ OF ¼ SECTION 31, T46N, R4W, MDB&M.

TELEPHONE NUMBER:  
(916) 459-3841  
YEAR OF FIRST USE:  
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

- A. Water is used under: Riparian claim \_\_\_\_\_; Pre 1914 right \_\_\_\_\_; Other (explain) \_\_\_\_\_
- B. Year of first use (Please provide if missing above) \_\_\_\_\_.
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992													
1993													
1994													

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_  
Other (specify) \_\_\_\_\_

\*\*\* CONTINUE ON BACK PAGE \*\*\*

\*\*\* PLEASE COMPLETE; SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

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- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

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I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

(FIRST NAME)

(M. NAME)

(LAST NAME)

COMPANY NAME: \_\_\_\_\_

#### GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO.: 008754

DAVID SIMMEN  
4915 HOVEY SNOWDEN GULCH ROAD  
MONTAGUE, CA 96064

TELEPHONE NUMBER:  
( ) -

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED STREAM

TRIBUTARY TO: WILLOW CREEK

COUNTY: SISKIYOU

YEAR OF FIRST USE:

DIVERSION

WITHIN: 1/4 OF 1/4 SECTION 31, T46N, R04W, MDB&M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim \_\_\_\_\_; Pre 1914 right \_\_\_\_\_; Other (explain) \_\_\_\_\_

B. Year of first use (Please provide if missing above) \_\_\_\_\_.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991													
1992													
1993													

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_  
Other (specify) \_\_\_\_\_

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, California.

Signature: \_\_\_\_\_

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
901 P ST. SACRAMENTO, CA 95814

(916) 322-4593  
(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

ISSN FEB -6 AM 9:07

DIVERTER OF RECORD:

DAVID SIMMEN  
4915 HOVEY SNOWDEN GULCH ROAD  
MONTAGUE, CA 96064

DIV. OF WATER RIGHTS  
SACRAMENTO

STATEMENT NO: 008754

TELEPHONE NUMBER:

( ) -

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED STREAM

TRIBUTARY TO: WILLOW CREEK

COUNTY: SISKIYOU

DIVERSION

WITHIN: 1/4 OF 1/4 SECTION 31, T46N, R04W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts ☐ Gallons  
below are: ☐ Acre-feet  
☒ 5900/min. (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988			✓	✓	✓	✓	✓	✓	✓				
1989			✓	✓	✓	✓	✓	✓	✓				
1990			✓	✓	✓	✓	✓	✓	✓				

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation trees & gardens

Stockwatering

Domestic

Other (specify)

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 2/1/91, 1991, at Yuba, California

Signature: David Simmen

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810  
901 P ST. SACRAMENTO, CA  
(916) 322-4503

STATE WATER RESOURCES  
CONTROL BOARD

(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

1988 FEB 10 AM 11:00

DIVERTER OF RECORD:

DIV. OF WATER RIGHTS  
STATEMENT NO: 008754

DAVID SIMMEN

ROUTE 1 BOX 90-B

MONTAGUE, CA 96064

4915 Hovey Snowden Gulch Rd.  
Montague Calif 96064

TELEPHONE NUMBER:  
( ) -

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED STREAM

TRIBUTARY TO: WILLOW CREEK

COUNTY: SISKIYOU

DIVERSION

WITHIN: 1/4 OF 1/4 SECTION 31, T46N, R04W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1988. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts ☒ Gallons  
below are: ☐ Acre-feet  
☐ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1985	✓	✓	✓	✓									
1986	✓	✓	✓	✓									
1987	✓	✓	✓	✓									

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation SOME SPRING, late winter 10 acres.

Stockwatering Cattle water

Domestic home area etc.

Other (specify) \_\_\_\_\_

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 2/8, 1988, at Montague Calif, California

Signature: David Simmen

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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